

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**In the Matter of:
Larry Ward
Debtor.**

Chapter 7
Case No. 10-68727
Hon. Thomas J. Tucker

**AFFIDAVIT OF A. RITA KOSTOPOULOS IN RESPONSE TO EX PARTE
ORDER REQUIRING ATTORNEY A. RITA KOSTOPOULOS AND
KOSTOPOULOS & ASSOCIATES PLLC TO PRODUCE DOCUMENTS**

A. RITA KOSTOPOULOS, a resident of MACOMB County in the State of Michigan being first duly sworn deposes and says as follows:

1. Mr. Larry Ward filed his voluntary Chapter 13 bankruptcy emergency petition Case No. 04-66570 on or about September 21, 2004 with the bankruptcy court for the Eastern District of Michigan ("Bankruptcy Court").

2. On or about October 6, 2004, schedules, statements, disclosure of compensation and Chapter 13 plan were filed with the Bankruptcy Court.

3. The petition, schedules, statements and the plan with Mr. Ward's original signature were filed with the Bankruptcy Court in a traditional non-electronic method. The original documents were filed with the Bankruptcy Court.

4. At the time of each filing, Mr. Ward also received a copy of the petition, schedules, statements, the plan and other pertinent documents.

5. Section 341 Meeting of Creditors was held on October 25, 2004.

6. On or about November 22, 2004, Mr. Ward filed an amended Chapter 13 plan with the Bankruptcy Court.

7. In early December 2004, I moved my office to 30800 Van Dyke Avenue, Suite 204, Warren, Michigan 48093 from 19080 West Ten Mile Road, Southfield, Michigan 48075.

8. Shortly after moving into my Warren office, my office was flooded from broken pipes in the building. Due to the leaking pipes, my office was flooded a few more times subsequently between December 2004 and March 2005. Such series of floods destroyed a majority of my documents and files including Mr. Ward's bankruptcy file and documents. Although I was able to recover some documents, a majority of documents were inevitably destroyed and damaged partially or completely. I believed

that I could retrieve a copy of the petitions destroyed in the floods from the Bankruptcy Court if I needed to access the petitions in the future.

9. On or about October 20, 2010 at 9:45 a.m., Heather Burnard, Esq. from All County Legal Services, P.C. contacted my office requesting a copy of Chapter 13 plans. My associate attorney Seohee Kong ("Kong") returned her call on the same day and discussed the documents Ms. Burnard needed. Kong searched documents in the on-site file room, and obtained a copy of schedules and statements stamped September 21, 2004, September 28, 2004 and October 6, 2004 that had not been destroyed in the floods. Kong emailed these documents to Ms. Burnard at 4:49 p.m. on the same day, with an explanation that the plan might be located at our remote archive location.

10. Ms. Burnard and Mr. Lyle Lieberman did not contact my office back for any further assistance after our email to them on October 20, 2010.

11. On October 26, 2010 at the end of the day, I received a copy of Ex Parte Order Requiring Attorney A. Rita Kostopoulos and Kostopoulos & Associates PLLC to Produce Documents dated October 22, 2010 via facsimile.

12. I immediately looked into the remote archive location from October 27, 2010 to October 29, 2010, and discovered that the list of files which had been destroyed during the floods included Mr. Ward's file and documents.

13. Therefore, I respectfully request that this Honorable Court excuse A. Rita Kostopoulos and Kostopoulos & Associates PLLC from the Order to Produce Documents.

Dated: November 3, 2010

KOSTOPOULOS & ASSOCIATES, PLLC

/s/ A. Rita Kostopoulos 

By: A. Rita Kostopoulos (P63178)

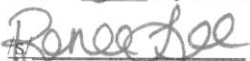
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Subscribed and sworn to before me
This 3 day of November, 2010


Notary Public

Macomb County, State of Michigan

My Commission Expires 2/5/2017